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August 30, 2021

By ECF and Electronic Mail

The Honorable Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Sinmyah Amara Ceasar, 17-cr-48 / 19-cr-117 (KAM)

Dear Judge Matsumoto,

In accordance with the Court's August 30 order, we write in response to the government's letter of August 29.

First, as set forth in our letter of August 23, Dkt. No. 157, the Court does not currently have the authority to remand Ms. Ceasar under 18 U.S.C. § 3143. Jurisdiction does not return to this Court until the mandate issues in the Court of Appeals. Ms. Ceasar's prior sentence remains intact until the Court of Appeals decides the petition for panel rehearing and rehearing en banc. While this Court of course has the power to order Ms. Ceasar detained based on the pending violations of supervised release, it does not have the power to order detention as to the criminal case, which is still before the Circuit.

Second, with respect to the government's renewed request that that Court "immediately order the defendant's detention pending further proceedings," Dkt. No. 162 at 2, this motion is premature and the Court should await Ms. Ceasar's arrival in this district before issuing any orders with respect to detention.

Finally, because we have not yet been able to arrange a secure legal call with our client, we are not in a position to say which if any of the proffered facts surrounding Ms. Ceasar's arrest in New Mexico are in dispute.

Thank you for your consideration of this letter.

Respectfully Submitted,

/s/

Deirdre D. von Dornum

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cc: all counsel of record (via ECF)  
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